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OFFICE OF PETITIONS

In re Patent No. 6,944,555	: LETTER REGARDING
Blackett, et al.	: PATENT TERM ADJUSTMENT
Issue Date: September 13, 2005	: and
Application No. 09/896,570	: NOTICE OF INTENT TO ISSUE
Filed: June 29, 2001	: CERTIFICATE OF CORRECTION
Atty Docket No. 6270/64	:

This letter is in response to the "REQUEST FOR REVIEW OF PATENT TERM ADJUSTMENT," filed September 15, 2005, notifying the Office of an error in patentees' favor in the determination of patent term adjustment.

The request for review of the determination of patent term adjustment (PTA) is **GRANTED**. The determination of PTA is corrected to **ONE HUNDRED SIX (106)** days.

The patent term adjustment indicated in the patent is to be corrected by issuance of a certificate of correction showing a revised Patent Term Adjustment of one hundred six **(106)** days.

On September 13, 2005, the application matured into U.S. Patent No. 6,944,555, with a revised patent term adjustment of 119 days. On September 15, 2005, in response to the Patent Term Adjustment indicated on the patent, patentees submitted this request for review of patent term adjustment. Patentees explain that the filing date recorded for their Response to Notice to Correct Drawings was improperly recorded resulting in an incorrect calculation of 107 days of reduction in PTA.

Patentees' explanation is well taken. 37 CFR § 1.704(c)(10) provides that:

Submission of an amendment under § 1.312 or other paper after a notice of allowance has been given or mailed, in which case the period of adjustment set forth in § 1.703 shall be reduced by the lesser of:

(i) The number of days, if any, beginning on the date the amendment under § 1.312 or other paper was filed and ending on the mailing date of the Office action or notice in response to the amendment under § 1.312 or such other paper; or

(ii) Four months.

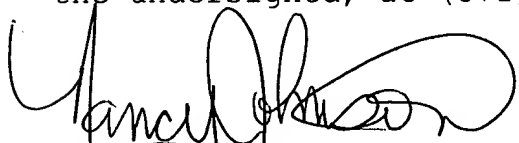
A review of the application record confirms that the Response to Notice to Correct Drawings was filed on March 30, 2005 (not May 30, 2005). Therefore the reduction period is from March 30, 2005 until the patent issued on September 13, 2005 (a period of 168 days). Thus, it is concluded that the reduction of 107 days is incorrect and should be corrected to the lesser period of four months (120 days).

In view thereof, the patent should have issued with a patent term adjustment of ONE HUNDRED SIX (106) days.

As this letter was submitted as an advisement to the Office of an error in Patentee's favor, the Office will not assess the \$200.00 application fee under 37 CFR § 1.705(d). The Office thanks Patentees for their good faith and candor in bringing this to the attention of the Office.

The Certificate of Corrections Branch has been advised of this decision. The application file is, thereby, forwarded to the Certificate of Corrections Branch for issuance of a certificate of correction in order to rectify this error. The Office will issue a certificate of correction indicating that the term of the above-identified patent is extended or adjusted by **ONE HUNDRED SIX (106)** days.

Telephone inquiries specific to this matter should be directed to the undersigned, at (571) 272-3219.



Nancy Johnson
Senior Patents Attorney
Office of Petition

Enclosure: Copy of DRAFT Certificate of Correction